Please type a plus sign (+) inside this box ▶ [+]

PTO/SB/05 (03-01)
Approved for use through 10/31/2002. OMB 0651-0032
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19270 U.S.PTO 10/680982 100703

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	49272.830011.US0
First Inventor	Michael Fulton, M.D. et al.
Title	SPINAL IMPLANT
Express Mail Label No.	EV269463330US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning design patent application contents.

1. ☒ Fee Transmittal Form *(e.g., PTO/SB/17)* *(Submit an original, and a duplicate for fee processing)*
2. ☒ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification [*Total Pages* 21] *(preferred arrangement set forth below)*
   - Descriptive title of the invention
   - Cross Reference to the Related Applications
   - Statement Regarding Fed sponsored R & D
   - Reference to sequence listing, a table or a computer program listing appendix
   - Background of the Invention
   - Brief Summary of the Invention
   - Brief Description of the Drawings *(if filed)*
   - Detailed Description
   - Claim(s)
   - Abstract of the Disclosure
4. ☒ Drawings(s) *(35 U.S.C. 113)* [*Total Sheets* 4]
5. Oath or Declaration [*Total Pages*]
   a. ☐ Newly executed (original or copy)
   b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional with Box 18 completed)*
      i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Commissioner for Patents, Mail Stop: Patent Application, Alexandria, VA 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all necessary)*
   a. ☐ Computer Readable Form (CRF)
   b. Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
      ii. ☐ paper
   c. ☐ Statements verifying identify of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign policy is claimed)*
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, *check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:*

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Prior application information: *Examiner* *Group Art Unit:*

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ *Customer Number or Bar Code Label* 26582 or ☐ *Correspondence address below*

Name	**Brian P. Kinnear**				
	Holland & Hart				
Address	**555 17th Street, Suite 3200**				
City	**Denver**	*State*	**Colorado**	*Zip Code*	**80202**
Country	**USA**	*Telephone*	**303-295-8170**	*Fax*	**303-295-8000**

Name (Print/Type)	**Brian P. Kinnear**	*Registration No. (Attorney/Agent)*	**43,717**
Signature		*Date*	**October 7, 2003**

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Attorney Docket No. 49272.830011.US0
Express Mail Label No. EV269463330US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Michael Fulton, M.D. et al.

Serial No.

Filed: HEREWITH

For: SPINAL IMPLANT

Examiner:

Art Unit:

CERTIFICATE OF MAILING BY EXPRESS MAIL

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the enclosed

1. Utility Patent Application Transmittal;
2. Specification, Claims and Abstract;
3. 4 Sheets of Drawings;
4. Fee Transmittal for FY 2003;
5. Check in the Amount of $807.00;
6. Certificate of Mailing by Express Mail; and
7. Return Card,

relating to the above application, were deposited as "Express Mail," Mailing Label No. EV269463330US with the United States Postal Service, addressed to Commissioner for Patents, Mail Stop: PATENT APPLICATION, P.O. Box 1450, Alexandria, VA 22313, on this October 7, 2003.

October 7, 2003

Hali Wahl
Mailer

October 7, 2003

Brian P. Kinnear, Reg. No. 43,717
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FEE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision

☒ Applicant claims small entity status. See 37 C.F.R. 1.27

TOTAL AMOUNT OF PAYMENT ($) 807.00

Complete if Known	
Application Number	
Filing Date	Herewith
First Named Inventor	Michael Fulton, M.D. et al.
Examiner Name	not yet assigned
Group Art Unit	not yet assigned
Attorney Docket No.	49272.830011.US0

METHOD OF PAYMENT

☒ Check ☐ Credit card ☐ Money Order ☐ None

☒ Deposit Account

Deposit Account Number: 08-2623

Deposit Account Name:

The Commissioner is authorized to: (Check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, **except for the filing fee to the above-identified account.**

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	375.00
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
				SUBTOTAL (1)	($)375.00

2. EXTRA CLAIM FEES

		Extra Claims		Fee from below	Fee Paid
Total Claims	68	-20** =	48	X 9.00 =	432.00
Independent Claims	3	- 3** =	0	X 42.00 =	0.00
Multiple Dependent				=	0.00

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
				SUBTOTAL (2) ($) 432.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge – late filing fee or oath	
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1450	2254	725	Extension for reply within fourth month	
1255	1970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1300	2453	650	Petition to revive – unintentional	
1501	1300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
				Other fee (specify)	
				*Reduced by Basic Filing Fee Paid SUBTOTAL (3)	($) 0.00

SUBMITTED BY				Complete (*if applicable*)	
Name (Print/Type)	Brian Kinnear	*Registration No. (Attorney/Agent)*	43,717	*Telephone*	303-295-8170
Signature				*Date*	October 7, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorize on PTO-2038.

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